

Appl. No. 09/605,145
Amdt. Dated 12/29/06
Reply to Office Action of 8/31/06

Amendments to the Drawings

In the Office Action dated January 4, 2006, the Examiner noted that “part of fig.3 is not readable because of the USPTO stamp on it.” In accordance with the Examiner instructions, attached is a replacement sheet that includes Figure 3.

Attachment: Replacement Sheet

Remarks & Arguments

In the Office Action, the Examiner noted that Claims 12-20, 31-38 and 52-65 are pending in the application, Claims 12-20 and 31-38 are allowed, Claims 57 and 58 are objected to, and that Claims 52-56 and 59-65 are rejected. The Examiner's objection and rejections are traversed below.

Drawings

In the Office Action dated January 4, 2006, the Examiner noted that "part of fig.3 is not readable because of the USPTO stamp on it." A replacement sheet that includes Figure 3 is submitted herein. Accordingly, Applicants request that the objection to the drawings be withdrawn.

Rejections Under 35 U.S.C. 101

Claims 60-65 stand rejected under 35 U.S.C. 101 as lacking utility. Applicants respectfully note that MPEP 2107 II(B)(ii) states that "an applicant need only provide one credible assertion of specific and substantial utility for each claimed invention to satisfy the utility requirement." As the Examiner has noted Claim 60 has the useful result "which is the access to secure area." Thus, the Examiner's argument in support of the rejection establishes the compliance with the utility requirement. Furthermore, Applicants submit that "a person of

ordinary skill in the art would immediately appreciate that the claimed invention is useful” for the same reason admitted by the Examiner. There is no requirement that any and all utilities be asserted by the Applicants. In addition, MPEP 210.02 I states that “a dependent claim will define an invention that has utility if the claim from which it depends has defined an invention having utility.” Accordingly, Applicants request that the utility rejection of Claims 60-65 be withdrawn and that Claims 60-65 be allowed.

Rejections Under 35 U.S.C. 103

Claims 52-56 and 59-63 stand rejected under 35 U.S.C. 103 as being obvious in view of the combination of U.S. Patent No. 5,898,831 to Hall and U.S. Patent No. 6,828,902 to Casden. Applicants respectfully assert that the response filed June 30, 2006 rebuts the Office’s prima facie case.

In particular, **Claim 52** recites “an radio frequency identification integrated circuit ... that **automatically** broadcasts a security code **in response to** being located within a radio frequency signal field.” As asserted in Applicants’ June 30, 2006 response, Hall discloses that the personal device will only broadcast the electronic codes after a communication session is established. In particular, Hall discloses that a “sequence 190 of data exchange messages between another set of devices 121, 191” and “personal device 121 transmits interaction request 192. Car 191 transmits acknowledgment 194 back to personal device 121 via hardware 135, 21” before the “electronic codes” are transmitted to the car and the doors are unlocked (col. 12, lines 19-34). Similarly,

Casden teaches that a unique permutation of tag codes are transmitted in response to physical activation by a user of each of a plurality of keys. In particular, Casden teaches that “if the remote programmer unit 18 is placed in this condition within the sensing field of the reader unit 10, the programmer unit will not respond to the reader’s sensing field. If, however any one of the keys on the keypad is pressed, closing one of the switches S1-S16, the corresponding one of the IC1-IC16 will have both of its active terminals operatively connected across the antenna tank circuit. In this condition, the operative IC will be powered up by energy inductively coupled from the reader to the antenna coil L1, and will transmit its unique tag code to the reader” (col. 5, lines 26-36).

Accordingly, both Hall and Casden separately teach away from the limitations of “an radio frequency identification integrated circuit ... that **automatically** broadcasts a security code **in response to** being located within a radio frequency signal field” as recited in Claim 52. Furthermore, Applicants note that the prior art must be considered in its entirety, including disclosures that teach away from the claims MPEP 2141.02. Thus, if Hall and Casden are combined they teach that a communication session must first be established between the portable computing device and a security reader in response to the portable computing device being located with an RF signal field generated by the security reader. Once a communication session is established the security code is only transmitted in response to one or more of a plurality of keys being depressed. Thus, the combination of Hall and Casden also teaches away from the limitations recited in Claim 52.

For each of the reasons set forth above, Applicants respectfully submit that Claim 52 is patentable over Hall in view of Casden. Accordingly, Applicants request that the obviousness rejection of Claim 52 be withdrawn and that Claim 52 be allowed.

Claims 53-56 are allowable by virtue of their dependency on respective base Claim 52, as well as the additional elements they recite. Accordingly, Applicants respectfully request that the obviousness rejection of Claims 53-56 be withdrawn and that Claims 53-56 be allowed.

Claim 60 recites “**automatically** transmitting a security code from an radio frequency identification integrated circuit coupled to a portable computing device **when** the radio frequency identification integrated circuit is located within a radio frequency signal field.” As asserted in Applicants’ June 30, 2006 response, Hall discloses that the personal device will only broadcast the electronic codes after a communication session is established. In particular, Hall discloses that a “sequence 190 of data exchange messages between another set of devices 121, 191” and “personal device 121 transmits interaction request 192. Car 191 transmits acknowledgment 194 back to personal device 121 via hardware 135, 21” before the “electronic codes” are transmitted to the car and the doors are unlocked (col. 12, lines 19-34). Similarly, Casden teaches that a unique permutation of tag codes are transmitted in response to physical activation by a user of each of a plurality of keys. In particular, Casden teaches that “if the remote programmer unit 18 is placed in this condition within the sensing field of the reader unit 10, the programmer unit will not respond to the reader’s sensing field. If, however any one of the keys on the keypad is pressed, closing one of the switches S1-S16, the corresponding one of the IC1-IC16 will have both of its active terminals operatively connected across the antenna tank circuit. In this

condition, the operative IC will be powered up by energy inductively coupled from the reader to the antenna coil L1, and will transmit its unique tag code to the reader” (col. 5, lines 26-36).

Accordingly, both Hall and Casden separately teach away from the limitations of “**automatically** transmitting a security code from an radio frequency identification integrated circuit coupled to a portable computing device **when** the radio frequency identification integrated circuit is located within a radio frequency signal field” as recited in Claim 60. Furthermore, Applicants note that the prior art must be considered in its entirety, including disclosures that teach away from the claims MPEP 2141.02. Thus, if Hall and Casden are combined they teach that a communication session must first be established between the portable computing device and a security reader in response to the portable computing device being located with an RF signal field generated by the security reader. Once a communication session is established the security code is only transmitted in response to one or more of a plurality of keys being depressed. Thus, the combination of Hall and Casden also teaches away from the limitations recited in Claim 60.

For each of the reasons set forth above, Applicants respectfully submit that Claim 60 is patentable over Hall in view of Casden. Accordingly, Applicants request that the obviousness rejection of Claim 60 be withdrawn and that Claim 60 be allowed.

Claims 61-63 are allowable by virtue of their dependency on respective base Claim 60, as well as the additional elements they recite. Accordingly, Applicants respectfully request that the obviousness rejection of Claims 61-63 be withdrawn and that Claims 61-63 be allowed.

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Conclusion

For all the reasons advanced above, Applicants respectfully submit that the present application is in condition for allowance and that action is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

The Commissioner is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment, to Deposit Account 23-0085. In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

A handwritten signature in cursive script, reading "Eric Gash", is written over a horizontal line. The signature is flanked by two short vertical strokes on either side.

Dated: December 29, 2006

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